

TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026



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DECISION

APPLICANT:	Mark Landers
PROJECT ADDRESS:	28 Sherwood Street
PROPERTY OWNER:	Mark and Michelle Landers
CASE #:	VAR-08-11-1413
MAP/LOT:	114/17
ZONING DISTRICT:	Single Residence B
DATE OF APPLICATION:	August 13, 2011 and April 19, 2012
DATE OF HEARING:	May 16, 2012
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
APPLICANT REPRESENTATIVE:	Mark Landers
PETITION:	Variance for five (5) foot front yard setback instead of required 25 feet for construction of addition to front of house for mother and stepfather
SECTION OF ZONING BY-LAW:	<i>Section 4.1, Table of Dimensional Requirements</i>
DATE OF FILING WITH TOWN CLERK:	JUNE 7, 2012

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, May 16, 2012, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, E. Patrick Maguire, and Jason L. Mammone, P.E. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:05 p.m., the Chairman called for the hearing of Mark Landers, 28 Sherwood Street, Dedham, MA to be allowed a five (5) foot front yard setback instead of the required 25 feet for construction of an addition to house his mother and stepfather.

The following materials were submitted to the Board:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Letter from Oscar Mertz, Registered Architect, Bluedoor Architecture, Wellesley, MA
- Certified plot plan prepared by Michael P. Antonino, Registered Land Surveyor, 31 Ledgebrook Avenue, Stoughton, MA

The one-and-one-quarter page minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 28 Sherwood Street and is shown on Dedham Assessors' Map 114, Lot 17. The certified plot plan indicates that the Subject Property contains 6,200 square feet of land and has five (5) feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B (SRB) zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1890.

The Applicant proposes to construct a two-story addition to his home so that his mother and his stepfather can move in with his family. His stepfather is handicapped. The addition will bring the entire front of the house into line, as the addition will only be on the left side, extending 25 feet. The lot itself is nonconforming.

No one appeared before the Board to either support or oppose the application.

On a motion made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (5-0) to approve a five (5) yard setback instead of the required 25 feet at 28 Sherwood Street, Dedham, MA. The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said special permits, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: June 7, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.